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TITLE 312 NATURAL RESOURCES COMMISSION

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Emergency Rule  
LSA Document #12-395(E)

## DIGEST

Temporarily adds noncode provisions to govern licensure under [IC 14-26-2](#) (sometimes referred to as the "Lakes Preservation Act") and [312 IAC 11](#) to implement [IC 14-26-2-17\(b\)](#), which authorizes the Department of Natural Resources to extend expiration of a qualified license more than two years after issuance, to add similar provisions that formerly applied in LSA Document #11-376(E). Effective July 1, 2012.

SECTION 1. This document assists in implementation of [IC 14-26-2](#) and supplements [312 IAC 11](#).

SECTION 2. The definitions contained in [IC 14-8-2](#), [IC 14-26-2](#), [312 IAC 1](#), and [312 IAC 11](#) apply throughout this document.

SECTION 3. (a) This document implements [IC 14-26-2-17\(b\)](#), which authorizes the expiration of a qualified license more than two (2) years after issuance.

(b) Except as provided in this document or in LSA Document #11-376(E) at [20110629-IR-312110376ERA](#) before its expiration, a license issued under [IC 14-26-2](#) and [312 IAC 11](#) expires two (2) years after the license is issued.

SECTION 4. (a) Except as provided in SECTION 7 of this document, an individual license to construct a temporary structure expires unless the licensee completes the structure within two (2) years after the effective date of the license.

(b) Subsequent seasonal removal of a temporary structure completed timely under subsection (a) or under SECTION 7 of this document does not terminate a license, if the temporary structure conforms to the terms of the license when the structure is replaced. SECTION 4(b) of LSA Document #11-376(E) applies to any temporary structures for which the department issued an individual license under [IC 14-26-2](#) and [312 IAC 11](#) after December 31, 2005, and before July 1, 2012.

(c) A person who wishes to modify a condition of an individual license to place a temporary structure must complete another licensure process before the structure is placed.

SECTION 5. (a) Except as provided in subsection (b) and in SECTION 7 of this document, a license to perform dredging expires two (2) years after issuance by the department.

(b) The deputy director for the bureau of water and resource regulation may extend the duration of a license for one (1) additional period, not to exceed two (2) years, upon receipt of a written request from the licensee which demonstrates one (1) or more of the following:

- (1) Extraordinary climatic conditions prevented completion of the anticipated project.
- (2) An unreasonable hazard to navigation or otherwise to public safety is likely to result if an extension is not granted.
- (3) Unreasonable detrimental effects upon fish, wildlife, or botanical resources are likely to result if an extension is not granted.
- (4) The project cannot be completed within the original period of two (2) years as a result of causes which were outside the control of the licensee and which could not have been avoided by the licensee's exercise of due care.

SECTION 6. Except as provided in SECTION 7 of this document, a license expires five (5) years from the date of issuance if the application was made expressly contingent upon the receipt of funding from either:

- (1) the federal government; or
- (2) the lake and river enhancement fund established by [IC 6-6-11](#).

SECTION 7. If a person seeks review under [IC 4-21.5](#) and [312 IAC 3-1](#) of a license issued by the department under [IC 14-26-2](#) and this document, the term of the license is calculated from the date of final disposition of the review.

SECTION 8. SECTIONS 1 through 7 of this document take effect on July 1, 2012.

*LSA Document #12-395(E)*

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